App F IX 4

Previous References
@ m Dep nr 188/52

195 53-54 (C M.)

File No 15-8

Serial Nos 2, 3

Later References
CM Dep 288/53

GENERAL AND REVENUE SECRETARIAT

Serial Nos 2

Part B for May 8'3

SUBJECT

Budget Estimates of the Corporation of the city of Bangalore for 1953-54

L 1769/9 9-5-53

WD 01425—GPB—25 000—15 9 1952

The Commr Corpn B
(Mayor)
Copy to the C, S AD B'lore

Budget estimates of the Corporation for 1953-54

From

The Commissioner, Corporation of Bhera

No B 1-/S 253 dated 31-3-1953

Requests approval to the Resolution dated 30-3-1953 of the Corporation to the levy recoverable claims of expenditure pending selection to the Budget estimates for the current year

The Commissioner has prepared the current years Budget estimates of the Corporation and circulated copies of it to the members of the S.C (Taxation and Finance) by the middle of January 53. Due to Reconstitution of the Standing Committee the Meetings of the year the S.C (T & F) took up the Budget for Consideration on 17-2-53 and completed it on 10-3-53 A joint meeting of all the Standing Committees reports to have been held on 18-3-53 whereafter the S.C (T & F) finalised it on 18-3-53 The Corporation took up Consideration of the Budget on 30-3-53 and has set to finally pass

After the Corporation approves of the Budget has to be sanctioned by Govt for which a period of two

100/ml

Budget estimates of the Corporation for 1953-54

365e/ml
Dep-B/10
188/52

monies as allowed by the Act. As the
going through of all these stages before Regr- 15/4/53
the Budget as finally adopted takes
some more time the Corporation has
recommended approval of Govt for the
incurring of certain expenditure in
the meantime

2) The Resolution of the Corporation
is for orders

Reg 6/4/53 3) Last year similar representation
was made and the Law Secretary
6/4 stated that there are no provisions
in the Act to permit such expenditure
and Govt cannot be a party
to such illegal expenditure Pl
enclose that file above

8/4

4) Municipal Dep papers 188/52-53
referred to above as patcep

Reg 10/4/53 5) Similar request of the Corporation
11/4 was examined, last year, in detail
in consultation with the Law Secrt
Finally, the Govt did not allow
the expenditure to be incurred by the Corpn in anticipation
Sanction Budget ~~for passing an order to that effect~~ As
amounts ultimately change in the
financial affairs of the Corpn because

Serial No

When there is no sanctioned budget for an institution like the Corporation, there any amount may be spent by the Corporation on any item. Therefore no permission can be given to the Corpn to spend the amount without getting the budget sanctioned according to Rules. The Controller State Accts will be requested to adhere to the provisions of the Act strictly during this year and not to allow expenditure until & unless the budget is sanctioned. The Comr will also be informed that the resolution cannot be upheld, and that the Corpn should submit the budget at once.

19/4

Seen & dtd

6) I agree. Write at once pointing the legal position even previously.

24/4

25/4

7) Draft letter to the Commissioner & Corporation is put up for approval & is also for consideration and orders whether the procedure prescribed in Sec 47 of the Corporation Act has to be followed in settling and this resolution and all resolutions in

NOTE—Contn Sheet

SECRETARY TO GOVT PAYMENT L S G DEPARTMENT 838 22 APR 1953

Serial No

to do so & also wherever such action has to be taken.

Dft letter is for appl
Section 47 - provides for a
Particular procedure when a
Resolution has to be cancelled
in whole or in Part on the ground that it
is excess of the Powers conferred by this Act. If
this section has to be applied for every order of
Govt which does not approve the Recommendations
of Govt, then the Control of Govt over the Corpn
will be reduced to the minimum and in respect
of all illegal Resolutions, the Corpn will be given
a long time to come a final decision on
the matter. Then section can be made applicable
to Corporations which regard the provisions of the Act
as Something which has to be respected and
adhered to and not to a Corporation which
takes pleasure in passing a resolution Contrary to
the Act.

In this particular Case, orders of Govt
are solicited to approve the Resolution to incur expenditure
and the letter which says that the approval of Govt
Cannot be given may not be
Construed as Cancelling a Resolution therefore
an ordinary letter will do without Resorting to
the procedure prescribed in Section 47. The
file may have to be perused by the Hon Minister

28/4

Secy
(L-S-G)

SECRETARY TO GO
113
20 APR

Budget Estimates of the Corporation for 1953-54

App F III —2]

General and Revenue Secretariat | File No 100/MC of 195

Serial No

for perusal before issue

Minister 29/4 30/4

JS 3 5 53

Issued 5/5

OFFICE OF THE MINISTER FOR PUBLIC HEALTH & LOCAL SELF GOVERNMENT
30 APR 1953
No 542

To

The Commissioner B'lore Corpn

No. L 1769/C M. 15 53 3 Dt 9.5.53.

Reference permission to levy Corpn

pending Sanction of the Budget

No L 1770 Dated 9-5-53

Copy to the Controller S A C

B- 11/5/53.

Note —Contn Sheet

File No of 195

General and Revenue Secretariat

Serial No

1404—GPB—40 000—18 10 9

M 15-53-2 700

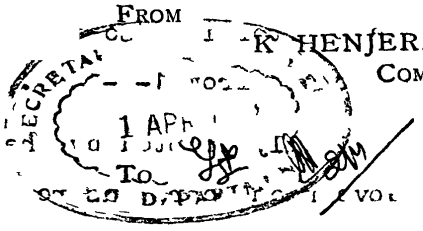
CORPORATION OF THE CITY OF BANGALORE

No B1/SC-53

CORPORATION OFFICES,
BANGALORE

Dated 31st March 1953

FROM
K HENJERAPPA, Esq, B A, B L
COMMISSIONER
CORPORATION OF THE CITY OF BANGALORE,
BANGALORE



To

The Secretary to the Government of Mysore,
Local Self Government Department,
Bangalore

SIR,

Subject BUDGET FOR 1953 - 54.

I write to inform you that the Budget for the year 1953 was drafted and copies circulated to the members of the Standing Committee (Taxation & Finance) by the middle of January 1953 Being the beginning of the year, the Standing Committee had to elect a new Chairman Similarly the Chairmen of the other Standing Committees had also to convene meetings for election of new Chairmen for submitting proposals to Standing Committee (T.& F) These elections took place in the latter part of January and in the early part of February 1953 and the Standing Committee (Taxation and Finance) took up the Budget for consideration on 17-2-1953 They held as many as 11 sittings, the last sitting being on 10-3-1953 With a view to finalise them as per provisions contained in Section 164 (1) of the Corporation Act, a joint meeting of all the Standing Committees was later on held on 18-3-1953 and the Budget was later on finalised by the Standing Committee (Taxation and Finance) on 20-3-1953
The Budget copies were also in the meanwhile circulated to the Councillors The Corporation took up the Budget for consideration at their meeting held on 30-3-1953 and have decided to hold meetings on 1-4-53 and 2-4-53 for further consideration
As it may take a few more days for them to finalise the Budget, they have passed a resolution authorising the Commissioner to incur inevitable expenditure from 1-4-53 till the Budget is sanctioned

I request that in the circumstances stated above, the Government may be pleased to approve the Corporation's resolution. In the meanwhile the Auditor is also requested to pass the bills to be presented to him from 1-4-1953.

A copy of the Budget as finally adopted by the Corporation will be sent to the Government early as required under section 167 or the Act.

Forwarded with compliments

(P. Hanumanthiah,)
MAYOR

Yours faithfully,

31.3

(K Henjerapp)
COMMISSIONER

TNL/-
31/3/53.

AT THE URGENT MEETING OF THE CORPORATION
CITY OF BANGALORE, HELD ON THE 30th MARCH 1953

URGENT SUBJECT

Commissioner's note dated 30th March 1953, soliciting sanction to incur inevitable items of expenditure till the budget estimate for the year 1953 - 54 is sanctioned by the Corporation and the Government.

The following resolution was moved from the Chair -

" Resolved that the Commissioner, Corporation of the City of Bangalore, be ~~Aurhotised~~ authorised to incur inevitable items of expenditure till the Budget Estimate for the year 1953- 54, is sanctioned by the Corporation and the Government "

The resolution was passed unanimously

Sd/-P Hanumanthiah

MAYOR

" C O P Y ",

N Srinivasa Rao

FOR COMMISSIONER,
CORPORATION OF BANGALORE

GOVERNMENT OF MYSORE

Mysore Government Secretariat
~~General and Revenue Secretariat~~

No *Dated, Bangalore* *195*

FROM

The *Secretary to the Government of Mysore,*
L S G & Planning Departments.

To

The Commissioner,
Corporation of the City of Bangalore
(thro' the Mayor)

Sir,

Subject Budget estimates for 1953-54

With reference to your letter No B1 /52-53 dated 31st March 1953, on the above subject, I am directed to state that there is no provision in the Corporation Act to support the resolution passed on 30th March 1953 by the Corporation to empower the Commissioner to incur inevitable items of expenditure till the Budget estimates for the year 1953-54 is sanctioned by the Corporation/the Government The resolution is clearly against the letter and spirit of Sections 164 to 167 of the Corporation Act, and such permission to incur expenditure pending sanction to the Budget cannot therefore be given ~~The Budget estimates should immediately be sent to Government and sanction obtained~~

Yours faithfully,

(V Hanumanthappa)
FOR Secretary to Government,
L S G & Planning Departments

knr-3/5/5

Appendix F G—1]

SUBJECT Budget estimates for 1953-54.

3 Copies

Section CM
File No 15-53
Serial No 3

Diary No of letter replied to

No 1769 Dt 9th May 53
To

The Commissioner
Corporation of the city
of Bhe
(Through the Mayor)

General and Revenue Secretariat
( )
the *195*

Date of issue

Signed by

Sir

With reference to your
Letter No. B 1/52-53 dated 31/3/53
on the above Budget I am
directed to state that there
is no provision in the Corporation
Act to support the Resolution
passed on 30.3.53 by the
Corporation to empower the
Commissioner to cover
diversable items of expenditure
into the Budget estimates
for the year 1953-54 as

List of enclosures

Copied by

Examined by

WD 01416—GPB—30 000—11-10-52

Sanctioned by the Corporation
and the Cost the Reduction
is clearly against the Letter
and Spirit of Secs 164 to 167
of the Corporation Act, and Such
Concession to create Expenditure pending Sanction to the Budget
Cannot therefore be given
The Budget estimates Should
be corrected accordingly by the Secy to
Govt and Sanction obtained

Yours faithfully

Sd/-

for C.S.O Secy

27/4/53 28/4

Memo No. L-1330

Copy forwarded to the Controller
S A D for information & necessary
Required to adhere to the provision
of the Act strictly in this behalf
and not to allow any Expenditure on
Budget account and cases the Budget
is Sanctioned

Sd/- 29/4

for C.S.O Secy

28/4 27/4/53

L 1769/etM15-53-3

xxxxxxxxxxxxxxxxxxxxxxxx
Mysore Government Secretariat,

9th May 53

The

L S G & Planning Departments,

To

The Commissioner,
Corporation of the City of Bangalore,
(thro' the Mayor)

Sir,

Subject Budget estimates for 1953-54

= = =

With reference to your letter No B1/52-53 dated 31st March 1953, on the above subject, I am directed to state that there is no provision in the Corporation Act to support the resolution passed on 30th March 1953 by the Corporation to empower the Commissioner to incur inevitable items of expenditure till the Budget estimates for the year 1953-54 is sanctioned by the Corporation and the Government The resolution is clearly against the letter and spirit of Sections 164 to 167 of the Corporation Act, and such permission to incur expenditure pending sanction to the Budget cannot therefore be given The Budget estimates should immediately be sent to Government and sanction obtained.

Yours faithfully,

Sd G V K Rao

Secretary to Government,
L S G & Planning Departments

knr-3/6/5 Memo No L 1170

Copy of the above is forwarded to the Controller, State Accounts Department, Bangalore, for information He is requested to adhere to the provision of the Act strictly in this behalf and not to allow any expenditure in audit until and unless the Budget is sanctioned

(V Hanumanthappa)
For Secretary to Government,
L S G & Planning Departments